

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re: Dennis E. Hecker

Case No. 09-50779  
Chapter 7

Debtor.

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CORNERSTONE BANK, CORNERSTONE HOLDING COMPANY, INC., AND  
BLACKSTONE FINANCIAL, LLC'S STATEMENT OF ISSUES AND DESIGNATION OF  
ITEMS FOR THE RECORD ON APPEAL

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Pursuant to Federal Rules of Bankruptcy Procedure Rule 8006, Cornerstone Bank, Cornerstone Holding Company, Inc., and Blackstone Financial, LLC, hereinafter jointly and severally referred to as "Cornerstone", hereby submit the following statement of the issues to be presented in connection with Cornerstone's appeal from a final Order dated/entered on November 25, 2009, by the Honorable Robert J. Kressell, United States Bankruptcy Judge for the District of Minnesota, and Cornerstone hereby designates the following items of the official record to be included in the record on appeal:

**STATEMENT OF THE ISSUES**

1. Did the Bankruptcy Court error in approving the settlement with Brainerd Imports, LLC, Jacob Holdings of Baxter, LLC, and Toyota Motor Credit Corporation when the settlement agreement appears to circumvent Cornerstone's general intangibles security interest?
2. Did the Bankruptcy Court error in failing to grant Cornerstone Bank's request for an evidentiary hearing regarding when the settlement agreement appears to circumvent Cornerstone's general intangible security interest?

**DESIGNATION OF PAPERS FOR THE DESIGNATED RECORD**

Filing Date	Docket Entry	Title of Document
11/20/09	315	Notice of Motion and Motion for Approval of Settlement Agreement and Abandonment and For Expedited Hearing
11/24/09	317	Objection to Trustee's Motion for Approval of Settlement Agreement and Abandonment Regarding Brainerd Imports LLC and Jaco Holdings of Baxter LLC
11/25/09	Pending- On Order with Reporter	Transcript of Hearing on Trustee's Motion for Settlement with Brainerd Imports, LLC, Jacob Holdings of Baxter, LLC, and Toyota Motor Credit Corporation
11/25/09	320	Order Granting Motion to approve compromise Under Rule 9019
12/7/09	326	Notice of Appeal

Dated this 14<sup>th</sup> day of December, 2009.

/s/ Jane L. Dynes for  
\_\_\_\_\_  
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**AFFIDAVIT OF SERVICE BY MAIL**

**In Re: Dennis E. Hecker, Debtor  
Bankruptcy Case No. 09-50779  
Chapter 7 Bankruptcy Case**

STATE OF NORTH DAKOTA                     )  
  ) ss.  
COUNTY OF CASS                                 )

Carmen D. Rohr, being duly sworn, deposes and says that she is a resident of the City of West Fargo, State of North Dakota, is of legal age; and that she served the within

Cornerstone Bank, Cornerstone Holding Company, Inc., and Blackstone Financial, LLC's Statement of Issues and Designation of Items for the Record on Appeal

On December 15, 2009 to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

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I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following non-ECF participants:

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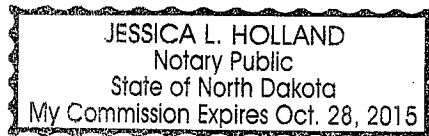
and depositing the same with postage prepaid in the United States mail at Fargo, North Dakota.

To the best of affiant's knowledge, the address above given is the actual post office address of the party intended to be so served. The above document was mailed in accordance with the provisions of the Minnesota Rules of Civil Procedure.

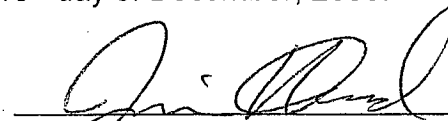


Carmen D. Rohr

Subscribed and sworn to before me this 15<sup>th</sup> day of December, 2009.



(SEAL)



Notary Public  
Cass County, North Dakota  
My Commission Expires: